

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CUPP CYBERSECURITY LLC, et al.,

Plaintiffs,

v.

TREND MICRO, INC., et al.,

Defendants.

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Case No. 3:18-cv-1251-M

ORDER


Before the Court are the parties' Memorandums Regarding Potential Case Consolidation (ECF Nos. 133, 136). The Court will consolidate this case with *CUPP Cybersecurity LLC v. Trend Micro Inc.*, Case No. 3:20-cv-03206-M, for trial if the parties stipulate to the following:

- No later than 14 days after the end of expert discovery, Plaintiffs will serve a final election of no more than 10 patent claims to assert at trial. Plaintiffs are not limited in the number of patents that may be asserted at trial, so long as the number of asserted claims does not exceed 10.
- No later than 14 days after Plaintiffs serve their final election of asserted claims, Defendants will serve a final election of no more than 10 prior art references to assert at trial.

If the parties do not file a joint stipulation agreeing to the above terms by **October 29, 2021**, the Court will not consolidate the cases. In the event the parties stipulate to these terms, the parties will submit a proposed revised case schedule by **November 5, 2021**. In that joint submission, the parties shall include a joint proposed case schedule or, if the parties cannot agree on certain dates, the parties' proposed dates for those aspects of the case schedule.

SO ORDERED.

October 25, 2021.


BARBARA M. G. LYNN
CHIEF JUDGE